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February 18, 2021

**VIA ECF**

United States District Court  
Eastern District of New York  
Attn: Hon. Sanket J. Bulsara, U.S.M.J.  
225 Cadman Plaza East  
Courtroom 324N  
Brooklyn, NY 11201-1804

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**Re: Macas v. Alex's Auto Body 1 Inc., et al.**  
**Case No.: 1:18-cv-7184 (RJD) (SJB)**  
**MLLG File No.: 120-2019**

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Dear Judge Bulsara:

This office represents the Defendants in the above-referenced case. See Docket Entry 17. Defendants write in accordance with this Court's Order dated February 18, 2021 directing the submission of a letter explaining the reason for your undersigned's failure to appear before the Court for the status conference scheduled today by Order dated February 2, 2021. Defendants respectfully further submit that this letter is submitted jointly by the parties with regard to the status of settlement.

Your undersigned humbly apologizes to the Court for his failure to appear at the 2:30 PM conference today. I respectfully submit that I was on a call in an unrelated matter which went over time and I lost track of time. Upon ending the aforesaid call, I dialed in at 2:45 PM and simultaneously emailed Plaintiff's counsel to inquire as to whether the call is still going forward. Plaintiff's counsel responded that it had been adjourned. I am deeply sorry for this oversight and for any inconvenience caused to the Court and Plaintiff's counsel. This is the first time I have failed to appear in this case since first entering my notice of appearance in July 2019, and your undersigned had every intention of appearing had he not lost track of time during his prior call.

By way of update, the parties have been unable to finalize a settlement on a final material term, namely, a payment plan. There may be other issues, but the parties are confident they will be able to work those remaining issues out. At this point, Plaintiff is unwilling to consent to any payment plan while Defendants last offered an eighteen (18) month payment plan. Plaintiff sought, and Defendants consented, to a conference with this Court with all parties present to resolve this dispute because counsel for the respective parties were unable to reach agreement despite working together in an attempt to achieve a final agreement. Regrettably, since then, the Plaintiff had not been responsive to his counsel's calls and letters until yesterday evening. At that time, Plaintiff reiterated that he was unwilling to accept any payment plan regarding the payment of the settlement proceeds. As such, the parties submit that a conference with the Court with the parties present could be helpful in finalizing the terms of the settlement agreement.

Accordingly, Defendants respectfully seek the Court's mercy for its failure to appear. In addition, the parties request a conference with the Court with all parties present, consistent with our previous request, in an effort to resolve issues related to the terms of the settlement agreement. Defendants thank this Court for its time, attention, and anticipated courtesies in this case.

Dated: Lake Success, New York  
February 18, 2021

Respectfully submitted,

**MILMAN LABUDA LAW GROUP PLLC**

/s Emanuel Kataev, Esq.

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